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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,391	01/06/2004	William A. Allen	02103-581001 / AABOSW35	3571
26162	7590	08/23/2007	EXAMINER	
FISH & RICHARDSON PC			BROWN, VERNAL U	
P.O. BOX 1022				
MINNEAPOLIS, MN 55440-1022				
			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			08/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/752,391

Applicant(s)

ALLEN ET AL.

Examiner

Vernal U. Brown

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on August 14, 2007.

Response to Amendment

The examiner acknowledges the amendment of claims 1 and 7.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 6-8, and 12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues on page 6 that Bernier does not teach first tuning to a selected channel so the user can view the channel to confirm that it should be added to the favorite list. It is the examiner's position that this limitation is not claimed.

Applicant's argues on page 6, that it is improper to pick and choose elements from paragraph 088 and paragraph 089. It is the examiner's position that paragraph 088-089 describes the same embodiment of the remote control and describes feature of the same invention and is therefore properly used in the rejection of claim 9.

Regarding applicant's argument regarding the confirmation of the indication of a new value as recited in claim 9, Bernier teaches highlighting the channel to be added to the list of favorite channel (paragraph 089). By highlighting the channel number to be added, the user is able to view the selected channel highlighted and the user agreeing (confirming) that the correct channel is selected presses the add/delete button.

Applicant's arguments with respect to the combination of the references of Bernier and Allport regarding the limitation of the remote control having a display screen have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Allport US Patent 6104334.

Regarding claim 1, Allport teaches a control device (10) having a display (85), a graphical item representation (200a) of an indication of a value currently representative of a preset sound signal source (col. 12 lines 45-51, col. 13 lines 47-51). Allport teaches simultaneously providing graphical item that is an indication of a possible new value of the preset representative of a different sound signal source by showing icons 205a, 210a and 215a representing other signal sound source (col. 13 lines 53-56). Allport also teaches providing the user with an option to change the value of a preset by changing the list of favorite channels (col. 14 lines 7-12).

Regarding claim 2, Allport teaches the preset is associated with multimedia system (col. 12 lines 45-51)

Art Unit: 2612

Regarding claim 3, Allport teaches the multimedia system comprises an audio system (col. 16 lines 28-32).

Regarding claim 7, Allport teaches the control device communicates with a second device to effect the change to the new preset value (col. 9 lines 21-27).

Regarding claim 8, Allport teaches the value comprises an identifier of a station (col. 12 lines 47-50).

Regarding claim 12, Allport teaches the sound signal source comprises a source of items to be performed (365, shown in figure 11) and the source is configured to store the items for performance in response to presets of relaxing music (col. 20 lines 21-40).

Claims 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernier US Patent Application Publication 20040040039.

Regarding claim 9, Bernier teaches enabling a user of a remote control to indicate possible new value of a preset sound signal source by displaying a list of channel and highlighting the channel to be added to the list of favorite channel and the channel to be added to the list of favorite channel is confirmed by pressing the add favorite button (paragraph 089). By highlighting the channel number to be added, the user is able to view the selected channel highlighted and the user agreeing (confirming) that the correct channel is selected presses the add/delete button. The operation of the second device (TV) is change before confirming the new value of the sound source because the display of the TV is change to indicate the possible new favorite channel (paragraph 088).

Art Unit: 2612

Regarding claim 10, Bernier teaches the value comprises an identifier of a station (paragraph 055).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport US Patent 6104334 Obayashi et al. US Patent 5404579.

Regarding claim 6, Allport also teaches providing the user with an option to change the value of a preset by changing the list of favorite channels (col. 14 lines 7-12) but is not explicit in teaching enabling a user to confirm the possible new preset value. Obayashi et al. in an art related invention in the same field of endeavor of remote control teaches allowing a user to confirm the data entered at the remote control in order to ensure that the correct control data was entered (col. 4 lines 22-24).

Art Unit: 2612

It would have been obvious to one of ordinary skill in the art to modify the system of Allport as disclosed by Obayashi et al. because allowing a user to confirm the data entered at the remote control ensure that the correct control data was entered for activating a desired function.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernier US Patent Application Publication 20040040039 in view of Allport US Patent 6104334.

Regarding claim 11, Bernier teaches an audio sound source (paragraph 055) but is silent on teaching the station comprises a radio station and another device comprises a radio receiver. Allport in an art invention in the same field of endeavor of remote control teaches the sound source is a radio broadcast (col. 27 lines 1-15) and a radio receiver is inherently used to reproduce the broadcast sound from a radio station.

It would have been obvious to one of ordinary skill in the art to modify the remote control system of Bernier as disclosed by Allport because a radio station is a sound source use to broadcast audio signal to a radio receiver.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vernal Brown
August 16, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER